

REMARKS/ARGUMENTS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicants' Information Disclosure Statements by return of the Form PTO-1449s. However, Applicants note that the Examiner has not acknowledged that the drawings are acceptable, nor has the Examiner acknowledged Applicants' Claim for Priority and receipt of the certified copy of the priority documents in this National Stage application from the International Bureau.

Thus, it is respectfully requested that the Examiner acknowledge each of the preceding items in the next Official Action.

Upon entry of the above amendments, claims 1, 3, 8, 15, 16, 31, 34, 35 and 37 will have been amended, and claims 2, 6 and 14 will have been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 1, 3-5, 7-13 and 15-37 are currently pending, with claims 7, 9-13, 17-30 and 33 being withdrawn from consideration in the Official Action. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner has rejected claims 1, 2, 31, 32, 34 and 37 under 35 U.S.C. § 102(b) as being anticipated by SHIGERU et al (JP Doc. No. 2000-213038).

Without acquiescing to the propriety of the Examiner's above-noted rejection, Applicants have amended independent claim 1 solely in order to more

clearly recite the presently claimed invention and to expedite prosecution of the present application.

In this regard, Applicants submit that SHIGERU does not disclose at least the combination of elements as recited in independent claim 1.

In setting forth the rejection, the Examiner asserts that SHIGERU discloses the presently claimed sanitary washing apparatus. More specifically, the Examiner asserts that a nozzle cleaning device (i.e., provided at the heater 28) is provided to sterilize an outer surface of the discharge port (see, Page 2, Paragraph 3 of the Official Action).

However, Applicants submit that the device of SHIGERU is very different structurally from the presently claimed invention. In this regard, Applicants submit that SHIGERU discloses a heater 28 provided within a nozzle body 50. Further, Applicants submit that the heater 28 of SHIGERU heats and removes the remaining water in a water supply path of the nozzle body 50.

Thus, Applicants submit SHIGERU does not disclose at least the presently claimed nozzle cleaner positioned externally of the human body washing nozzle; much less, the nozzle cleaner comprising an instantaneous heating device configured to heat at least one of washing water and vapor while the at least one of washing water and vapor flows from an inlet of the instantaneous heating device to an outlet of the instantaneous heating device, as generally recited in amended claim 1 (and as described as a non-limiting example in at least page 25, lines 14-18, of the present Specification).

Accordingly, Applicants submit that the rejection under 35 U.S.C. § 102(b) is improper and should be withdrawn.

In the Official Action, the Examiner has rejected claims 1-5, 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over KOJI et al. (06-017471); the Examiner has rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over KOJI in view of MATSUI et al. (4581779); the Examiner has rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over KOJI in view SHIGERU; and the Examiner has rejected claims 35 and 36 under 35 U.S.C. § 103(a) as being unpatentable over SHIGERU in view of SATO et al. (2004/0019962).

Without acquiescing to the propriety of the Examiner's above-noted rejections, Applicants have amended independent claim 1 solely in order to more clearly recite the presently claimed invention and to expedite prosecution of the present application.

In setting forth the rejection, the Examiner asserts that KOJI discloses the presently claimed sanitary washing apparatus. More specifically, the Examiner asserts that element 3 or 53 (shown in Figures 8 and 9, respectively) are considered to be the presently claimed washing nozzle and that elements 1h or 2b (shown in Figures 8 and 9, respectively) are considered to be the presently claimed nozzle cleaning device.

However, Applicants submit that the device of KOJI is very different structurally from the presently claimed invention.

In this regard, Applicants submit that the Examiner acknowledges that KOJI does not disclose the nozzle cleaner being configured to spray at least one of washing water and vapor, which has been heated, onto at least an outer surface of the discharge port of the human body washing nozzle so as to sterilize the human body washing nozzle by high-temperature cleaning (see, Page 4, Paragraph 1 of the Official Action).

Nevertheless, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to recognize that heated washing water is obviously high-temperature cleaner water since such heated water is used to sterilize the washing nozzle (see, Paragraph 1, on Page 4 of the Official Action). However, Applicants submit that the Examiner's assertion is merely a speculative conclusion because the Examiner has provided no factual evidence supporting the aforementioned conclusion.

Further, even assuming, arguendo, that the Examiner's aforementioned assertion is correct, KOJI (as well as the other applied prior art) does not disclose at least the presently claimed nozzle cleaner comprising an instantaneous heating device configured to heat at least one of washing water and vapor while the at least one of washing water and vapor flows from an inlet of the instantaneous heating device to an outlet of the instantaneous heating device, as generally recited in amended claim 1.

Additionally, Applicants submits that KOJI discloses the nozzle body 3 is pulled back to a storage position and washed cleaned (see, English language

abstract of KOJI). However, KOJI is ambiguous as to how the cleaning is performed. For example, the cleaning may be performed by merely submersing the nozzle body in water. Thus, KOJI does not disclose the nozzle cleaner being configured to spray the at least one of washing water and vapor, which has been heated, onto at least an outer surface of the discharge port of the human body washing nozzle, as generally recited in claim 1.

Further, Applicants submit that by using the presently claimed instantaneous heating device there is no need to heat or store the washing water and/or vapor before use. Thus, both a space for storing warm water and heat dissipation loss can be eliminated. Additionally, because the temperature of warm water can be controlled instantly by the presently claimed instantaneous heating device, washing water can be heated to an optimum temperature for use during sterilization. Further, the temperature of the washing water can be lowered in a short time after use, thereby resulting in appropriate heating of washing water for private parts so as to ensure human safety.

Accordingly, Applicants submit that the rejections under 35 U.S.C. § 103(a) is improper and should be withdrawn.

In view of the arguments herein, Applicants submit that independent claim 1 is in condition for allowance. With regard to dependent claims 3-5, 8, 15, 16, 31, 32 and 34-37, Applicants assert that these claims are allowable on their own merit, as well as because of their respective dependencies from independent claim 1, which Applicants have shown to be allowable.

Thus, it is respectfully submitted that all of the pending claims (which have received an examination on the merits) in the present application are clearly patentable over the references cited by the Examiner, either alone or in any proper combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

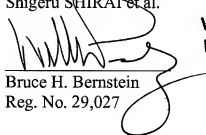
Applicants submit that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicants have amended and argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Respectfully submitted,
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A handwritten signature in black ink, appearing to be 'Bruce H. Bernstein', written over a horizontal line.

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